

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Miyano Machinery USA Inc.,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. <b>08 C 526</b>
v.	)	
	)	Hon. Virginia Kendall
MiyanoHitec Machinery, Inc.,	)	
Thomas ("Tom") Miyano, a/k/a	)	Magistrate Judge Nolan
Toshiharu Miyano and	)	
Steven Miyano, a/k/a	)	
Shigemori Miyano,	)	
	)	<b>JURY TRIAL DEMANDED</b>
<u>Defendants.</u>	)	
MiyanoHitec Machinery, Inc.,	)	
Thomas ("Tom") Miyano, a/k/a	)	
Toshiharu Miyano and	)	
Steven Miyano, a/k/a	)	
Shigemori Miyano,	)	
	)	
Counterclaimants,	)	
	)	
v.	)	
	)	
Miyano Machinery, Inc. and	)	
Miyano Machinery USA Inc.,	)	
	)	
Counterdefendants.	)	
	)	

**TO ANY CONSUL OR VICE CONSUL OF THE UNITED STATES OF  
AMERICA AT OSAKA-KOBE, JAPAN**

Upon the application of Defendants / Counterclaimants MiyanoHitec Machinery, Inc., Thomas ("Tom") Miyano and Steven Miyano (collectively "Defendants") and pursuant to Article 17 of the United States - Japan Consular Convention, you have been duly appointed and you are hereby authorized to take oral depositions at the United States Consulate in Osaka-Kobe, Japan, of the following witnesses who will appear voluntarily:

Toshikatsu Ito, Yoshiharu Saito, Noburo Ichikawa each of whom is employed by Miyano Machinery Inc., which is located at 36 Sumiyoshi, Ueda-shi, Nagano-ken 386-0002 Japan; the depositions will be on successive dates commencing on or about April 14, 2008, 9:00 a.m. and terminating on or about April 17, 2008, 5:00 p.m. and will include the marking of any documentary exhibits in connection therewith.

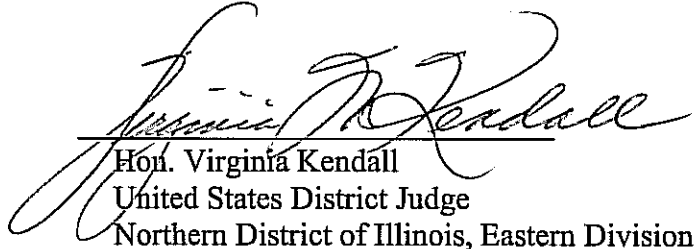
Counsel for Defendants/Counterclaimants who will participate in said depositions are Dowell Baker, P.C., 229 Randolph Street, Oak Park, Illinois 60302; ROBERT M. KARTON, LTD., 77 W. Washington St., Suite 900, Chicago, Illinois 60602; FRANCISSEN PATENT LAW, P.C., 53 W. Jackson Blvd., Suite 1320, Chicago, Illinois 60604. Counsel for Plaintiff/Counterdefendant Miyano Machinery USA, Inc., who will participate in said depositions is Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd, 200 West Adams Street, Suite 2850, Chicago, IL 60606. Counsel for Counterdefendant Miyano Machinery, Inc., who will participate in said depositions are Masuda, Funai, Eifert & Mitchell, Ltd.<sup>1</sup>, 203 N. LaSalle Street, Suite 2500, Chicago, IL 60601 and Mori, Hamada and Matsumoto, Marunouchi Kitaguchi Building 1-6-5 Marunouchi, Chiyoda-ku, Tokyo 100-8222, Japan. The proceedings will be reported by Janet Robbins or a similarly qualified stenographer and will be interpreted by a Japanese resident. Counsel for Miyano Machinery USA, Inc. and Miyano Machinery, Inc. will be assisted by an interpreter who is a Japanese resident. Please cause the testimony of said witnesses to be reduced to writing and the depositions signed by said witnesses and annex said deposition

---

<sup>1</sup> Participation of Masuda, Funai, Eifert & Mitchell, Ltd., is subject to the Court's decision in the pending Motion to Disqualify pertaining to same.

testimony to your commission and close the same under your seal and make return thereof to this court with all convenient speed.

Dated: 3-26-08

  
Hon. Virginia Kendall  
United States District Judge  
Northern District of Illinois, Eastern Division  
Chicago, Illinois, U.S.A.